



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JLP:ddj

Docket No: 4860-99

2 November 1999

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 5420 N130D1/192-99 of 15 October 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO
5420
N130D1/192-99
15 OCT 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF [REDACTED]

Encl: (1) BCNR File #04860-99 with microfiche service record

1. The following provides comments and recommendations on Chief Petty Officer Smith's petition.

2. No correction required to [REDACTED] record.

3. While assigned to SEAL Team EIGHT, [REDACTED] met all requirements for and served in the Navy Enlisted Classification Code (NEC) 532X billet beginning 25 February 1992. [REDACTED] was not paid SDAP in the amount of \$75 from 25 February to 30 September 1992. In his petition, [REDACTED] requests payment of SDAP for this period.

4. In accordance with Navy policy, members serving in Special Duty Assignments (SDAs) require NEC certification. Chief Petty Officer [REDACTED]'s service record shows he earned the NEC 532X in August 1992. Therefore, he is only entitled to SDAP during the period August through September 1992. I have directed Pers-815 to update the member's account and pay [REDACTED] the SDAP.

5. BCNR case file with microfiche service record is returned herewith as enclosure (1).

VICTOR D. MICKEL
Assistant, Enlisted Bonus
Program Branch